

ORDINANCE NO. 1793

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING MUNICIPAL CODE CHAPTER 2.10 -- BOARDS AND COMMISSIONS GENERALLY, REPEALING ARTICLE V. 2.04.410 AND ORDINANCE 1489, AND AMENDING ORDINANCE 1480.

WHEREAS, Municipal Code Chapter 2.04 establishes the rules governing appointments to City Boards and Commissions; and

WHEREAS, the Milwaukie City Council established a process in which each advisory body was reviewed to clarify its role in carrying out the City Vision and Goals; and

WHEREAS, it was determined by the City Council that each advisory body should be designated as either a board or commission depending on its function; and

WHEREAS, the City Council determined that a general Ordinance standardizing appointments and operations for all boards and commissions would be advantageous;

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1: Ordinance 1489 adopted April 9, 1981, is hereby repealed.

Section 2: Ordinance 1480 adopted January 20, 1981, is amended by repealing Article V.2.04.410.

Section 3: The Milwaukie Municipal Code is amended by adding Chapter 2.10 -- Boards and Commissions Generally to read as follows:

2.10.010 -- This chapter applies to the following boards and commissions unless mandated otherwise by state statute:

- A. Budget Committee (ORS 294.336 & MMC 2.14, exclusive from monthly meetings)
- B. Center/Community Advisory Board (MMC 2.20 & IGA))
- C. Citizen Utility Advisory Board (MMC 2.11)
- D. Historic Resources Commission (MMC 2.18)
- E. Library Board (ORS 357.400 - 621 & MMC 2.28)
- F. Park and Recreation Board (MMC 2.12)
- G. Planning Commission (ORS 227.010 - .030 & MMC 2.16)
- H. Traffic Safety and Transportation Board (MMC 2.24 & ORS 802.300)
- I. Board of Construction Appeals (MMC 2.22 & 15.04.030)
- J. Local Contract Review Board (MMC 3.05 & ORS Chapter 279)

2.10.020 -- Definitions

A. "Board" means a public body created by ordinance or resolution which acts in an advisory capacity to the council in all matters set forth by the enactment establishing the board.

B. "Commission" means a public body created by ordinance or resolution which acts as a decision making body on behalf of the city council in all matters set forth by the enactment establishing the commission.

2.10.030 -- Board and Commission Appointments:

A. Any individual or group is encouraged to submit names for consideration to the City.

B. Appointments must comply with any ordinances, bylaws, Charter provisions, or state or federal laws concerning the board or commission. In the event of any inconsistency between this chapter and a chapter relating to a specific board or commission, the specific chapter shall control.

C. In order to become more familiar with the applicants' qualifications, the council may interview all applicants for a vacancy.

D. Reappointments to a board or commission shall be considered in accordance with the guidelines listed in this section, together with the type of service the individual has already given to the board or commission and his/her stated willingness to continue. No person may serve more than two successive terms on any board or commission unless there is an interval of at least one term prior to the reappointment, provided that the council may waive this limitation if it is in the public interest to do so.

E. Consideration should be given to residents outside the city when the board or commission or function serves residents outside city boundaries;

F. No individual should be considered for appointment to a position on any board or commission where a conflict of interest may result. Board or commission members shall not participate in any committee proceeding or action in which any of the following has a direct or substantial financial interest: the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member; any business in which the member is serving or has served within the previous two years; or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential conflict of interest shall be disclosed at the meeting of the board or commission where the action is being taken.

G. Board or commission vacancies are filled by appointment by the mayor with the consent of the council. Appointments are made for terms of four years and expire the last day of March unless mandated otherwise by state statute. All board members or commissioners shall serve without compensation.

H. Individuals appointed to one board or commission shall not serve on any other city board or commission during the term of their appointment.

2.10.040: Removal

Members of a board or commission serve at the pleasure of the governing body.

2.10.050: Organization and Operation

A. Bylaws. The Council shall adopt bylaws for each board or commission's meetings and the performance of its duties. These bylaws shall be reviewed and updated annually by each board or commission. Bylaw revisions shall be reviewed and accepted by the city council.

B. Annual Work Plan. Each board or commission shall prepare an annual work plan which will have elements of the city vision and city council goals. These work plans shall be discussed with and approved by the city council in a joint work session.

C. Staff Support. The city will provide for necessary staff support for the board or commission including postage, meeting place, secretarial service, and new member orientation and training.

D. Meetings. Each board or commission should meet at least once each month and shall meet on the call of the chairperson or on call by a majority of its members. All meetings shall be subject to the requirements of ORS 192.610 to 192.690 (Open Meeting Law). A majority of the voting members shall constitute a quorum for the conduct of business and the concurrence of a majority of those members present shall be required to decide any matter. These meetings shall be an opportunity for public involvement in the discussion of issues relating to that particular board or commission.

E. Authority to Bind. Neither a board or commission, as a whole, nor any member or members individually or collectively, shall exercise authority to bind the City of Milwaukie, its officers or agents to financial commitment or obligations. Any funding for projects must be budgeted by the Council, and authorized expenditures presented to the staff for payment. The city may enter into agreements with other public agencies, associations, and individuals for services which will assist the board or commission.

F. Annual Reports and Minutes. Each board or commission shall report on its activities in a work session with the City Council at least annually. The written minutes for each board or commission shall be submitted to council for information.

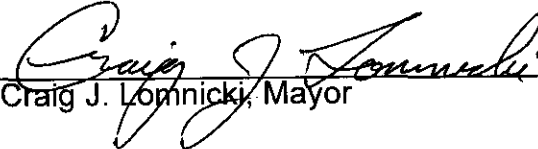
G. Ethics Law. Board and commission members appointed by the city are considered "public officials." As such they are expected to abide by the Government Standards and Practices Laws of the State of Oregon currently codified as ORS 244.010 to 244.400.

H. Boards and commissions may be asked to provide comments to other advisory bodies and staff when matters under consideration relate to their functional area of expertise.

Read for the first time on May 21, 1996, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on May 21, 1996.

Signed by the Mayor on May 21, 1996.


Craig J. Lomnicki, Mayor

ATTEST:

Pat DuVal
Pat DuVal, City Recorder

APPROVED AS TO FORM:

Parvula J. Barry
O'Donnell, Ramis, Crew, Corrigan, & Bachrach